IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTEENTH DAY OF JULY
TWO THOUSAND AND SEVEN

PRESENT
THE HON'BLE MR. JUSTICE S.ANANDA REDDY

WRIT PETITION No. 20684 of 2001

Between:

Sri Rama Nitya Bhajana Mandiram, Ongole,
Rep. by its Founder Trustee, T. Koteswara Rao
& two others.

..... PETITIONERS

AND

Commissioner of Endowments,
Government of Andhra Pradesh, Tilak Road,
Hyderabad And two others

.....RESPONDENTS

THE HON'BLE MR. JUSTICE S.ANANDA REDDY

WRIT PETITION No. 20684 of 2001

ORDER:

This writ petition is filed by the petitioners, who are stated to be the persons having hereditary rights over the petitioners-institutions, in response to which the 3rd respondent was appointed as an Executive Officer, without any notice to the petitioners.

2. The grievance of the petitioners is that they are in the management of the petitioners-institutions. However, the Deputy Commissioner of Endowments appointed the 3rd respondent as Executive Officer without issuing any prior notice to the petitioners. It is stated that the said proceedings are contrary to the judgment of this Court reported in 1996(1) ALT 676, where it was held that the appointment of an Executive Officer on the ground of mismanagement of a Trustee without issuing prior notice to the management is not valid. In fact, it was also stated that the petitioners filed W.P.No.713 of 1987 and batch before the Supreme Court claiming rights as founder members of the institution, which

was accepted by the Supreme Court. Therefore, the petitioners sought for quashing of the impugned order passed by the authorities.

3. Interim suspension was granted by this Court on 4.10.2001. No counter has been filed on behalf of the respondents.

4. Heard the learned counsel for the petitioners and considered the material on record.

5. Since the impugned order was passed violating the principles of natural justice, and as the petitioners claim that they are in management of the petitioners-institutions, the writ petition is allowed, setting aside the impugned order. However, it is made clear that if the authorities proposed to appoint an Executive Officer with reference to the institutions in question, they can do so in accordance with law, after issuing notice to the petitioners.

6. The writ petition is accordingly allowed. No costs.

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S.ANANDA REDDY.J

Dated: 18..07..2007
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THE HON'BLE MR. JUSTICE S.ANANDA REDDY

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Dt. 18..07..2007